

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In re:

**MARLIN FRANCIS REKOW,**

Debtor.

**SUNTRUST BANK,**

Movant,

v.

**DONALD F. KING, TRUSTEE,**

Respondent.

\* \*  
\* Case No. 10-20624-BFK  
\* Chapter 7

**TRUSTEE'S RESPONSE TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

DONALD F. KING, TRUSTEE (the "Trustee"), by counsel, files this response to the motion of SunTrust Bank for relief from automatic stay and states as follows:

1. The Trustee admits the allegations in paragraph 1.
2. The Trustee admits the allegations in paragraph 2.
3. The Trustee admits, in part, the allegations in paragraph 3. To be specific, the Trustee has been appointed the chapter 7 trustee for the bankruptcy estate, which includes the Debtor's interest in the Property. The remaining allegations in paragraph 3 are admitted.
4. The Trustee admits the allegations in paragraph 4.

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JAMES W. REYNOLDS, ESQUIRE, VSB NO. 33226  
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5. The Trustee does not have sufficient knowledge of the facts alleged in paragraph 5, so he neither admits nor denies such facts and requires strict proof thereof.

6. The Trustee does not have sufficient knowledge of the facts alleged in paragraph 6, so he neither admits nor denies such facts and requires strict proof thereof.

7. The Trustee admits the allegations in paragraph 7.

8. The Trustee denies the allegations in paragraph 8. By way of further answer, there is a large amount of equity protecting the Bank's interest in the Property. Pursuant to the Debtor's schedules, the Property has a current market value of \$2,925,000.00. The total amount of the claims secured by the Property is \$1,287,937.14. The Trustee is currently attempting to sell the Property, and it is in the best interests the estate and creditors to allow the Trustee sufficient time to obtain a contract for the sale of the Property.

9. The statements in paragraph 9 require no response from the Trustee.

10. The Trustee denies the allegations in paragraph 10.

WHEREFORE, Donald F. King, Trustee, by counsel, requests that the Court enter an order denying the motion for relief from stay and for other relief as this Court deems appropriate.

Respectfully submitted,  
**Donald F. King, Trustee**  
By counsel

/s/James W. Reynolds

**James W. Reynolds, Esquire, VSB No. 33226**  
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Certificate of Service

I hereby certify that on this 16<sup>th</sup> day of October, 2011, a copy of the Trustee's Response to Motion for Relief from Automatic Stay was sent electronically to Jason L. Hamlin, Esquire pursuant to this Court's applicable standing order.

/s/ James W. Reynolds  
James W. Reynolds

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